

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

STEPHEN KERSHNAR,

Plaintiff,

-vs-

23-CV-525

STEPHEN H. KOLISON, JR., in his individual capacity and his official capacity as the President of the State University of New York at Fredonia, and

DAVID STARRETT, in his individual capacity and official capacity as Executive Vice President and Provost of the State University of New York at Fredonia,

Defendants.

**DECLARATION OF
RICHARD DENHOLM II**

RICHARD DENHOLM II, declares under penalty of perjury that the following is true and correct in accordance with 28 USC § 1746:

1. I am currently employed as a Director with A1C Partners (“A1C”), a company that, among other things, provides open-source intelligence analysis to various public sector clients.
2. I was employed by the Federal Bureau of Investigation (“FBI”) for over 22 years, as a Special Agent and then a Supervisory Special Agent. I am a certified FBI law enforcement instructor.
3. As a Supervisory Special Agent, I was in charge of offices that received threat information and routinely conducted threat assessments, including threats to government officials.

4. I am also an attorney and began my career with the U.S. Federal Election Commission as an enforcement attorney. I currently serve as adjunct faculty in the Department of Criminology, Law and Society at George Mason University.

5. I hold a J.D. from the University of Akron School of Law and a B.A. in Political Science from the University of Akron.

A1C's Work for SUNY Fredonia

6. In August 2022, I was contacted by Brent Isaacson, a former colleague from the FBI, about potentially providing open-source intelligence analysis regarding threats following comments made by SUNY Fredonia Professor Stephen Kershner regarding pedophilia.

7. In September 2022, SUNY Fredonia executed a contract to retain A1C to conduct research and provide a report regarding open source and publicly available information regarding the Kershner matter.

8. On September 21, 2022, I transmitted to Brent Isaacson a report titled “Open Source Intelligence (OSINT) Product” with a report date of September 20, 2022 (“A1C Report”). This is the only written report that A1C prepared in connection with the Kershner matter.

9. The A1C Report consisted of an “internet scrub” of open-source intelligence available regarding the response to Professor Kershner’s comments regarding pedophilia.

10. The methodology of the A1C Report was to “identify and assess publicly available information as it pertains to Professor Kershner” and “[t]o identify social media accounts for Professor Kershner as they may be public-facing avenues for threats to be directed to him and to Fredonia at large.”

11. The search of open-source intelligence was conducted by analysts employed by A1C. The A1C Report notes that there was not an “immediate or imminent threat to the

Fredonia campus, staff, students, or to Professor Kershnar found,” at the time the search was conducted in September 2022.

12. A1C was not retained by SUNY Fredonia to provide behavioral analysis or an overall threat assessment. The fact that no immediate threat was identified in September 2022 in open-source data does not mean that Professor Kershnar’s return to campus would not pose a threat. The A1C Report captured a snapshot in time as to the open-source data available regarding the Kershnar matter in September 2022.

Kershnar’s Interpretation of the A1C Report

13. I have had an opportunity to review the Expert Rebuttal Report of J.A. “Tony” Olivo, an expert retained by Professor Kershnar, as well testimony regarding the A1C Report from the evidentiary hearing on September 13 and 14, 2023.

14. Based on my review of Mr. Olivo’s report, I understand that he reviewed the A1C Report and believes that it “undermined” Brent Isaacson’s conclusion that returning Professor Kershnar to campus would pose a significant security risk. Mr. Olivo’s conclusion is mistaken. The A1C Report did not opine on the security environment that would exist if Professor Kershnar was returned to campus in the future.

15. While the A1C Report did not identify an immediate threat to Professor Kershnar or the SUNY Fredonia campus in September 2022, many of the comments that were identified in the A1C Report as being posted in February 2022 are concerning to me because they show behavioral leakage and the existence of a high threat environment in February 2022.

16. In particular the comment from February 6, 2022, stating “[a]nons I am a 2 hour drive from fredonia and I willing to harass this [expletives] if you can help me get his address” that is identified in the A1C Report is extremely concerning.

17. The fact that online attention to the Kershner situation waned after February 2022 does not mean that Professor Kershner can be safely returned to campus and nothing in the A1C Report should be interpreted to suggest the same.

18. If Professor Kershner were to return to campus, my recommendation would be that SUNY Fredonia engage in ongoing monitoring of open-source intelligence data for potential threats to Professor Kershner and the SUNY Fredonia campus at large.

19. Based on my training, experience and my work in connection with the A1C Report, I believe that if Professor Kershner were returned to campus a high threat environment may exist, similar to what occurred in February 2022, creating a risk of violence to Professor Kershner and the SUNY Fredonia campus.

Dated: September 26, 2023



RICHARD DENHOLM II